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FILED MAR 19 14:18 USDC-ORF

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

JUDITH LUCKE, ALICE M. LUCKE;

Plaintiffs,

v.

FIRSTSOURCE ADVANTAGE, LLC.

Defendants.

Case No. **CV '08 - 0339 - AA**

COMPLAINT FOR VIOLATIONS OF  
FAIR DEBT COLLECTION  
PRACTICES ACT

JURISDICTION

1. Jurisdiction of this Court arises under 28 U.S.C. § 1331 and pursuant to 15 U.S.C. §1692k(d).
2. This action arises out of Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. ("FDCPA").
3. Venue is proper in this District because the acts and transactions occurred here, Plaintiffs reside here, and Defendant transacts business here.

## PARTIES

4. Plaintiff Judith Lucke is a natural person who resides in the city of Damascus, state of Oregon, and is a “consumer” as that term is defined by 15 U.S.C. § 1692a(3).

5. Plaintiff Alice M. Lucke is a natural person who resides in the city of Lacey, state of Washington, and is a “consumer” as that term is defined by 15 U.S.C. § 1692a(3).

6. Defendant Firstsource Advantage, LLC is a corporation engaged in the business of collecting debts. Defendant regularly attempts to collect debts alleged to be due another and is a “debt collector” as that term is defined by 15 U.S.C. § 1692a(6).

## FACTUAL ALLEGATIONS

7. In 2006 Plaintiff, Judith Lucke purchased jewelry in Cancun, Mexico for her personal, household, or family use.

8. Upon returning home, Plaintiff discovered that the jewelry purchased in Cancun was fake. Plaintiff immediately contacted Capital One Bank (hereinafter “Captial One”) and provided to Capital One the necessary documents to have the charges removed from Plaintiff’s account.

9. Capital One removed the charges from Plaintiff’s account.

10. In 2007 Capital One reinserted the charges on Plaintiff’s account.

11. Capital One sold, assigned, or otherwise transferred the debt to Defendant.

12. On December 12, 2007 Plaintiff received a collection notice from Defendant.

13. December 14, 2007 Plaintiff’s 84 year-old mother, Alice Lucke, who suffers from a heart condition, began receiving phone calls from Defendant.

14. Plaintiff, Judith Lucke also began receiving phone calls from Defendant on her personal cell phone.
15. December 18, 2007 Defendant called Plaintiff, Judith Lucke and Plaintiff's mother, Alice Lucke. Defendant asked Plaintiff's mother for Plaintiffs home phone number. Plaintiff's mother refused to give the number. Defendant stated he would give Plaintiff until 10pm Eastern time to call him back. Plaintiff's mother thought Plaintiff's life was at stake.
16. On December 21, 2007 Plaintiff, Judith Lucke wrote dispute letter to Defendant.
17. On December 27, 2007 Defendant called Plaintiff's mother. Defendant stated they were beginning a legal action against Plaintiff.
18. On January 14, 2008 Plaintiff's mother received a phone call from Defendant at 5:00am.
19. Despite Plaintiff and Plaintiff's mother's efforts, Plaintiff's mother continues to receive phone calls from Defendant after explaining that Plaintiff does not live with her.
20. As a direct and proximate result of Defendant's actions, Plaintiff and Plaintiff's mother have suffered actual damages in the form of emotional distress, anger, anxiety, worry, and frustration, among other negative emotions.

#### TRIAL BY JURY

21. Plaintiffs are entitled to and hereby respectfully demand a trial by jury. US Const. amend.

7. Fed. R. Civ. Pro. 38.

#### CAUSES OF ACTION

#### COUNT I.

#### VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT

15 U.S.C. § 1692 *et seq.*

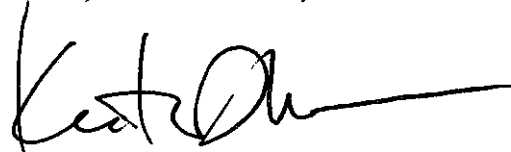
22. Plaintiffs incorporate by reference all of the above paragraphs of this Complaint as though fully stated herein.

23. The foregoing acts and omissions of Defendant constitute numerous and multiple violations of the FDCPA including, but not limited to, 15 U.S.C. § 1692b(3), 1692c(a)(1), 1692d, 1692d(1), 1692d(2), 1692d(5), 1692e, 1692e(2), 1692f.

24. As a result of Defendant's violations of the FDCPA, Plaintiffs are entitled to actual damages pursuant to 15 U.S.C. § 1692k(a)(1); statutory damages in an amount up to \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A); and, reasonable attorney's fees and costs pursuant to 15 U.S.C. § 1692k(a)(3).

DATED: March 17, 2008

Olsen, Olsen & Daines, LLC

A handwritten signature in black ink, appearing to read 'Keith D. Karnes', written over a horizontal line.

Keith D. Karnes, OSB # 03352  
Attorney for Plaintiff

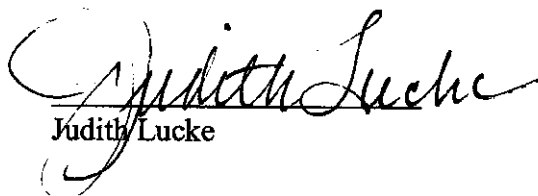
MAR 14 2008

VERIFICATION OF COMPLAINT AND CERTIFICATION BY PLAINTIFF

I, Judith Lucke, swear under penalty of perjury that to the best of my knowledge:

1. I am a Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification, or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this civil Complaint in good faith and solely for the purposes set forth in it.
6. I have provided my attorneys with true and correct copies of each and every exhibit which has been attached to this Complaint.
7. I have not altered, changed, modified, or fabricated the attached exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

DATED: 030708

  
Judith Lucke

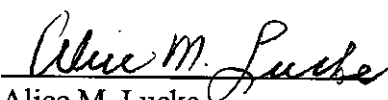
MAR 14 2008

VERIFICATION OF COMPLAINT AND CERTIFICATION BY PLAINTIFF

I, Alice Lucke, swear under penalty of perjury that to the best of my knowledge:

1. I am a Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification, or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this civil Complaint in good faith and solely for the purposes set forth in it.
6. I have provided my attorneys with true and correct copies of each and every exhibit which has been attached to this Complaint.
7. I have not altered, changed, modified, or fabricated the attached exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

DATED: 3/9/08

  
Alice M. Lucke